

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LORI DIANE SHOEMAKER,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:11-cv-330

Diott, J.

Bowman, M.J.

REPORT AND RECOMMENDATION

On May 20, 2011, Plaintiff tendered a *pro se* complaint in this court seeking to appeal a decision of the Commissioner of Social Security under the Social Security Act. Plaintiff's motion to proceed *in forma pauperis* was granted and the Commissioner filed and served its answer and a certified copy of the administrative record, including the transcript of the hearing held before the administrative law judge. Because Plaintiff proceeds *pro se*, and in recognition of the fact that Plaintiff might not have been fully aware of her obligation to comply with the procedures that govern Social Security appeals in this Court, the Court directed the Clerk of Court to send Plaintiff a copy of the Magistrate Judges' General Order Concerning Social Security Appeals. On September 2, 2011, the Court further ordered Plaintiff to file her Statement of Errors in conformity with the General Order not later than September 23, 2011.

On the stated deadline, Plaintiff filed a "Notice of Voluntary Dismissal" indicating her intention to dismiss her appeal in this Court. Although no certificate of service was included with Plaintiff's filing, service upon defense counsel was automatically effected

through the Court's electronic case filing system. On September 28, 2011, the Court directed Defendant specifically to "notify the Court if it has any objection to Plaintiff's voluntary dismissal of her case, without prejudice, on or before **October 14, 2011.**" The time for objection has now expired, with no objection having been heard.

Accordingly, **IT IS RECOMMENDED THAT** this case be DISMISSED WITHOUT PREJUDICE in accordance with Plaintiff's notice of voluntary dismissal (Doc. 11), and stricken from the active docket.

s/ Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).